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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,540	02/26/2004	Urs Jorimann	032498-023	3251

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EXAMINER	
SHERR, CRISTINA O	

ART UNIT	PAPER NUMBER
3685	

NOTIFICATION DATE	DELIVERY MODE
06/27/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	10/786,540	JORIMANN ET AL.	
	Examiner	Art Unit	
	CRISTINA OWEN SHERR	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *3* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 2, 4- 23,and 5-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Applicants' amendment filed march 28, 2008. Claim 20 has been newly added. Claims 1-20 are currently pending in this case. Claims 1-2 and 4-20 are currently under examination.

Response to Arguments

2. Applicants' arguments filed November 23, 2007 have been fully considered but they are not persuasive.

3. Applicants argue, regarding claim1, that nothing in the cited references discloses, teaches, or suggests "any capability to maintain a history of access entries and activities performed in the application software program."

4. Examiner respectfully disagrees. It is obvious that the purpose of a signature of any kind is to be stored so that others who was there and what s/he did. Not to do so is the equivalent of signing a check with disappearing ink, and thus defeats the purpose of the signature. It is obvious, then, that signatures and the transactions they accompany are stored and that anything that is stored is logged and counted. After all, computers are all about counting. Further, *KSR* forecloses the argument that a specific teaching is required for a finding of obviousness. *KSR,* 127 S.Ct. at 1741, 82 USPQ2d at 1396.

5. Applicants argue, regarding claim 18, that nothing in the cited references discloses, teaches, or suggests "establishment of a list of signature meanings to be attached to electronic signatures".

6. Examiner respectfully disagrees and directs attention to Yaung, wherein "For an application program, one or more users are associated with one or more application

privileges. Access by users to functions of the application program is restricted depending upon whether the user has been associated with the application privilege for the function. If the user has been associated with the application privilege, access to the function is granted, if not, access to the function is denied." (col 6 ln 35-41). It is obvious to one of ordinary skill in the art that a user's association with a an application privilege is the equivalent of a signature meaning attached to a signature. A certain signature, which would represent a certain user is attached to a certain meaning or set of privileges. Further, *KSR* forecloses the argument that a specific teaching is required for a finding of obviousness. *KSR,* 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaung et al (US 6,446,069).

9. Regarding claim 1 –

Yaung discloses a method for controlling electronic records produced by an application software program, wherein designated users performing use the program and apparatus assigned user roles, said method comprising:

(a) restricting access to the application software program to the designated users through a user authentication;

(b) assigning a set of user rights to each user role, wherein said designated users are divided into a first group of users who are given a right to sign the electronic records and a second group who are denied the right to sign the electronic records and authenticating the electronic records by means of at least one electronic signature by one of the users of the first group, wherein access to step

(c) storing the electronic records in a protected data file format;

(d) maintaining a history of access entries and activities performed in the application software program; and

(e) wherein access is denied to the users from the second group. (e.g. col 5 ln 58-66, col 6 ln 30-58, col 9 ln 1- col 10 ln 11, col 8 ln 23-45).

10. Regarding claims 1 and 20, although Yaung does not specifically deal with medical records as in the instant application, it would be obvious to adapt the teaching of Yaung to any type of software available electronically. Note also that It is obvious that the purpose of a signature of any kind is to be stored so that others who was there and what s/he did. Not to do so is the equivalent of signing a check with disappearing ink, and thus defeats the purpose of the signature. It is obvious, then, that signatures and the transactions they accompany are stored and that anything that is stored is logged and counted. After all, computers are all about counting. Further, *KSR* forecloses the argument that a specific teaching is required for a finding of obviousness. *KSR,* 127 S.Ct. at 1741, 82 USPQ2d at 1396.

11. Regarding claim 18, specifically, note that "For an application program, one or more users are associated with one or more application privileges. Access by users to

functions of the application program is restricted depending upon whether the user has been associated with the application privilege for the function. If the user has been associated with the application privilege, access to the function is granted, if not, access to the function is denied." (col 6 ln 35-41). It is obvious to one of ordinary skill in the art that a user's association with a an application privilege is the equivalent of a signature meaning attached to a signature. A certain signature, which would represent a certain user is attached to a certain meaning or set of privileges. Further, *KSR* forecloses the argument that a specific teaching is required for a finding of obviousness. *KSR,* 127 S.Ct. at 1741, 82 USPQ2d at 1396.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yaung et al (US 6,446,069) in view of "Title 21, CFR Part 11 - Electronic Records; Electronic Signatures".

13. It would be obvious to combine Yaung and CFR part 11 in order to comply with one arbitrary set of rules rather than another.

14. Claims 4-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaung et al (US 6,446,069).

15. Regarding claims 4-10 –

Yaung discloses wherein the at least one electronic signature comprises a plurality of electronic signatures, wherein a signature meaning is attached to each of said plurality of electronic signatures, said signature meaning being selected from a list of signature meanings, wherein the signature meaning indicates a signature status that an electronic record will have as a result of an electronic signature, and wherein each signature

meaning in said list is correlated with a signature level in a hierarchy ascending from a lowest to a highest signature level, so that each of said plurality of electronic signatures is hierarchically ranked by way of its attached meaning; wherein the hierarchically ranked meanings include at least one of the meanings Tested", "Reviewed", "Approved", and "Released"; wherein each user of the first group is assigned a maximum signature level that is selected from the signature levels in said list, and wherein said user is not allowed to attach to his/her signature a signature meaning that exceeds said user's assigned maximum signature level; wherein said maximum signature level is assigned to a user in accordance with the user role performed by said user; wherein when the electronic record has already been signed at least once, said user is not allowed to attach to his/her signature a signature meaning that ranks lower than the signature status which the electronic record has as a result of said at least one previous signature; wherein when the electronic record has already been signed at least once, said user is not allowed to attach to his/her signature a signature meaning that does not rank at least one level higher than the signature status which the electronic record has as a result of said at least one previous signature; wherein said user is only allowed to attach to his/her signature a signature meaning exactly one level higher than the signature status which the electronic record has as a result of said at least one previous signature, so that said plurality of signatures follow each other in consecutive ascending order of signature level (e.g. col (col 5 ln 58-66, col 9 ln 1-c0l 10 lm 11, col 7 ln 35-59, col 8 ln 23-45).

16. As above, although Yaung does not specifically deal with medical records as in the instant application, it would be obvious to adapt the teaching of Yaung to any type of software available electronically.

17. Regarding claims 11-12 –

Yaung discloses the method wherein a record is fully authenticated after a prescribed number of signatures comprising at least two different signature levels have been attached to said record; wherein the at least two different signature levels comprise a prescribed hierarchically ascending series of signature levels (e.g. col 7 ln 35-59, col 8 ln 23-45).

18. Regarding claim 13 –

Yaung discloses the method wherein step (e) comprises attaching a remark to the electronic signature (e.g. col 7 ln 60 – col 8 ln 67).

19. Regarding claims 14 – 15 –

Yaung discloses the method wherein the signature levels attached to the signature meanings in said list from the lowest to the highest level are consecutive ascending numbers starting at the number one; wherein the signature levels attached to the signature meanings in said list from the lowest to the highest level are nonconsecutive ascending numbers, leaving unused numbers available for additional intermediate signature levels (e.g. col 7 ln 35-59, col 8 ln 23-45).

20. Regarding claims 16-17 –

Yaung discloses the method of claim 6, wherein parts (a) and (b) of the method are performed by a system administrator; wherein said parts (a) and (b) include at east one

of: assigning user names and passwords to the designated users, retiring said user names and passwords, assigning the maximum signature level to each user account, and defining the signature meanings and ranking them according to signature levels (e.g. col 7 ln 35-59, col 8 ln 23-45).

21. Regarding claim 19 –

22. Claim 19 is rejected under the same criteria as above.

23. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA OWEN SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571)272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cristina Owen Sherr, Patent Examiner, AU 3685

/Jalatee Worjloh/

Primary Examiner, Art Unit 3685

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/786,540	JORIMANN ET AL.	
	Examiner	Art Unit	
	CRISTINA OWEN SHERR	3621	